

# EXHIBIT 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CORNELL HOLDEN and MIGUEL )  
MEJIA on behalf of )  
themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
vs. ) No.  
 ) 1:17 Civ. 02192  
THE PORT AUTHORITY OF NEW )  
YORK AND NEW JERSEY, et )  
al., )  
 )  
Defendants. )  
----- )

\* Pages 127-144 designated confidential. \*

September 27, 2018

11:21 a.m.

Deposition of RICHARD AYLMER, held at  
the offices of Winston & Strawn LLP, 200 Park  
Avenue, New York, New York, before Laurie A.  
Collins, a Registered Professional Reporter  
and Notary Public of the State of New York.

1 2 APPEARANCES: 3 4 WINSTON & STRAWN LLP 5 Attorneys for Plaintiffs 6 200 Park Avenue 7 New York, New York 10166-4193 8 BY: EMILY C. ELLIS, ESQ. 9 eellis@winston.com 10 SETH E. SPITZER, ESQ. 11 sspitzer@winston.com 12 - and - 13 THE LEGAL AID SOCIETY 14 199 Water Street 15 New York, New York 10038 16 BY: CYNTHIA CONTI-COOK, ESQ. 17 18 19 20 21 22 23 24 25	Page 2 1 2 STIPULATIONS 3 IT IS HEREBY STIPULATED AND AGREED, by and 4 among counsel for the respective parties hereto, 5 that the filing, sealing, and certification of the 6 within deposition shall be and the same are hereby 7 waived; 8 IT IS FURTHER STIPULATED AND AGREED that all 9 objections, except as to form of the question, 10 shall be reserved to the time of the trial; 11 IT IS FURTHER STIPULATED AND AGREED that the 12 within deposition may be signed before any Notary 13 Public with the same force and effect as if signed 14 and sworn to before the Court. 15 16 17 18 19 20 21 22 23 24 25
1 2 APPEARANCES (continued): 3 4 THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY 5 Attorneys for Defendants 6 150 Greenwich Street, 24th Floor 7 New York, New York 10006 8 BY: KATHLEEN GILL MILLER, ESQ. 9 10 ALSO PRESENT: 11 BENJAMIN RUTKIN-BECKER (Legal Aid Society) 12 DEVERELL WRITE, Videographer 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 3 Page 5 1 2 Proceedings 3 THE VIDEOGRAPHER: We're going on the 4 record at 11:21 a.m. on September 27, 2018. 5 Please note that the microphones are 6 sensitive and may pick up whispering and 7 private conversations. 8 Please place all cell phones away from 9 the microphones as they can interfere with 10 deposition audio. 11 Audio and video recording will continue 12 to take place unless all parties agree to go 13 off the record. 14 This is Media Unit 1 of the video- 15 recorded deposition of Richard Aylmer taken by 16 counsel for the plaintiff in the matter of 17 Cornell Holden, et al., versus The Port 18 Authority of New York and New Jersey, et al. 19 This case is filed in the U.S. District Court 20 for the Southern District of New York. We are 21 here at the offices of Winston & Strawn 22 located at 200 Park Avenue, New York, New 23 York. 24 My name is Deverell Write, representing 25 Veritext Legal Solutions. The court reporter is Laurie Collins from Veritext Legal

<p>1 Aylmer</p> <p>2 transfer?</p> <p>3 A. What do you mean by "automatic"?</p> <p>4 Q. Apologies. Let me clarify.</p> <p>5 So you testified that when you were</p> <p>6 promoted to sergeant you were automatically</p> <p>7 transferred as part of that promotion to John F.</p> <p>8 Kennedy; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. So when you were transferred back to</p> <p>11 The Port Authority Bus Terminal after your service</p> <p>12 at John F. Kennedy, was that also part of a</p> <p>13 promotion?</p> <p>14 A. Yes.</p> <p>15 Q. What promotion was that transfer?</p> <p>16 A. To lieutenant, from sergeant to</p> <p>17 lieutenant.</p> <p>18 Q. And when were you promoted to</p> <p>19 lieutenant?</p> <p>20 A. September of 2006.</p> <p>21 Q. And how long did you work at the bus</p> <p>22 terminal following your promotion from sergeant to</p> <p>23 lieutenant?</p> <p>24 A. I was assigned there until I retired,</p> <p>25 but basically 2016 I worked there till I was out.</p>	<p>Page 26</p> <p>1 Aylmer</p> <p>2 A. Yes, once or twice, not very often.</p> <p>3 Q. Did you ever patrol The Port Authority</p> <p>4 Bus Terminal restrooms as a police officer from</p> <p>5 July of '90 to January 2003?</p> <p>6 A. Not that I recall.</p> <p>7 Q. If you recall, approximately how many</p> <p>8 arrests did you make as a police officer at The</p> <p>9 Port Authority Bus Terminal from July of '90 to</p> <p>10 January of 2003?</p> <p>11 A. I would say probably close to a</p> <p>12 thousand arrests.</p> <p>13 Q. If you recall, were any of those 1,000</p> <p>14 or so arrests for public lewdness?</p> <p>15 A. I can't tell you specifically. I don't</p> <p>16 recall that.</p> <p>17 Q. And also if you recall, were any of</p> <p>18 those close to 1,000 arrests made for exposure of</p> <p>19 a person?</p> <p>20 A. Again, I couldn't specifically say</p> <p>21 "yes" or "no."</p> <p>22 Q. So I believe you said you were promoted</p> <p>23 to sergeant in 2003; is that correct?</p> <p>24 A. Sergeant in 2003, yes.</p> <p>25 Q. And during that time you worked</p>
<p>1 Aylmer</p> <p>2 Q. What do you mean, in 2016 you worked</p> <p>3 there until you were out?</p> <p>4 A. I went out sick before I retired. So I</p> <p>5 was assigned to the bus terminal, but I wasn't</p> <p>6 physically working.</p> <p>7 Q. Thank you.</p> <p>8 So going back to your work as a police</p> <p>9 officer at The Port Authority Bus Terminal, I</p> <p>10 believe you said from July of '90 to January 2003,</p> <p>11 what were your responsibilities as an officer</p> <p>12 during that time period?</p> <p>13 A. To enforce the law and basically to</p> <p>14 ensure the safe passage of the community through</p> <p>15 the terminal in and out to get their buses.</p> <p>16 Q. And what were your specific duties as a</p> <p>17 police officer at The Port Authority Bus Terminal</p> <p>18 from July of '90 to January of 2003?</p> <p>19 A. We were assigned patrol posts, we</p> <p>20 patrolled our area, and assisted the patrons in</p> <p>21 any way they needed help.</p> <p>22 Q. Did you ever police in plainclothes as</p> <p>23 part of your duties as a police officer at The</p> <p>24 Port Authority Bus Terminal from July of '90 to</p> <p>25 January of 2003?</p>	<p>Page 27</p> <p>1 Aylmer</p> <p>2 exclusively at John F. Kennedy; is that correct?</p> <p>3 A. No. It was once or twice that I worked</p> <p>4 at LaGuardia Airport, LaGuardia.</p> <p>5 Q. You did not work as a sergeant at The</p> <p>6 Port Authority Bus Terminal, though; is that</p> <p>7 correct?</p> <p>8 A. I don't remember. I don't believe so.</p> <p>9 I couldn't tell you specifically.</p> <p>10 Q. What were your responsibilities as a</p> <p>11 sergeant of The Port Authority Police Department</p> <p>12 at JFK?</p> <p>13 A. At JFK it was to oversee the tour, you</p> <p>14 know, go out and -- go out during the tour and</p> <p>15 drive around, see that the airport was, you know,</p> <p>16 everything seemed to be as it should be, check on</p> <p>17 the officers, make sure they were where they were</p> <p>18 supposed to be, make some roll calls, sign</p> <p>19 paperwork, and deal with any problems that came</p> <p>20 up.</p> <p>21 Q. What is a roll call?</p> <p>22 A. It's a sheet that tells you how to</p> <p>23 choose an officer to a post.</p> <p>24 Q. And I believe you testified you make</p> <p>25 some roll calls. Does that mean as a sergeant you</p>

<p style="text-align: right;">Page 30</p> <p>1                   Aylmer  2 assigned those officers to those posts?  3     A. No. At Kennedy Airport the desk  4 officers assigned them, and we reviewed them and  5 gave them back to the desk officers. We didn't  6 make them.  7     Q. When you were promoted to the position  8 of sergeant, did you apply for that promotion?  9     A. Excuse me?  10    Q. Let me review the question. When you  11 were promoted to the position of sergeant, did you  12 apply for the promotion?  13    A. Yes.  14    Q. How did you apply for the promotion to  15 sergeant?  16    A. They put out a promotional  17 announcement, you submit a handwritten saying I'd  18 like to apply -- everybody is issued the sergeant  19 material. And you submit that you want to take  20 the test, and they schedule you to take the test.  21    Q. Did you receive any training after you  22 were promoted to sergeant?  23    A. Can you be a little more specific?  24    Q. Sure. Did you receive any training  25 related to the promotion to sergeant after you</p>	<p style="text-align: right;">Page 32</p> <p>1                   Aylmer  2     Q. What's a CCR?  3     A. Criminal complaint report.  4     Q. Is that paperwork that's associated  5 with an arrest?  6     A. Yes.  7     Q. As a sergeant were you responsible for  8 instructing police officers on how to patrol the  9 posts that they were assigned?  10    A. No.  11    Q. As a sergeant did you oversee those  12 police officers patrolling their assigned posts?  13    A. Yes.  14    Q. Were any of the patrols that you  15 supervised as a sergeant plainclothes patrols?  16    A. Not really.  17    Q. Are there plainclothes patrols at  18 John F. Kennedy Airport?  19    A. Yes.  20    Q. Approximately how many arrests --  21 withdrawn.  22       Did you make any arrests as a sergeant  23 at John F. Kennedy Airport?  24    A. No.  25    Q. And I believe that you testified that</p>
<p style="text-align: right;">Page 31</p> <p>1                   Aylmer  2 were promoted to sergeant?  3     A. Just some basic supervisory training  4 for a week or two, nothing really extensive.  5     Q. Do you recall what you learned in those  6 two weeks of supervisory training?  7     A. Not specifically.  8     Q. You mentioned your responsibilities as  9 a sergeant earlier. Were any of those new  10 responsibilities that were -- withdrawn.  11       Were any of those new responsibilities  12 that were particular to your promotion as sergeant  13 and not to your role as police officer?  14       MS. MILLER: Objection.  15       You may answer if you can.  16     A. Just checking the paperwork was  17 different.  18     Q. How was checking the paperwork  19 different?  20     A. Just to read reports that came in.  21     Q. What types of reports did you read as a  22 sergeant?  23     A. Aideds, people who were -- reports on  24 people who got injured, accident reports, CCRs for  25 crimes, any paperwork that came in.</p>	<p style="text-align: right;">Page 33</p> <p>1                   Aylmer  2 you were promoted to lieutenant in September of  3 2006; is that correct?  4     A. September of 2006.  5     Q. That's correct; yes?  6     A. Yes.  7     Q. And you worked as a lieutenant at The  8 Port Authority Bus Terminal from 2006 to 2016; is  9 that correct?  10    A. Yes.  11    Q. And did you apply for the promotion to  12 lieutenant?  13    A. Yes.  14    Q. Can you describe that application  15 procedure?  16    A. Exactly the same as sergeant: They put  17 out a memo that they're promoting; you put in a  18 handwritten. They gave everybody the material,  19 and you put in a handwritten. And they scheduled  20 you for the test, you took the test, and you went  21 on the lieutenants list.  22    Q. What is a handwritten? I should have  23 asked you earlier.  24    A. It's just a paper that says, you know,  25 the undersigned would request to be scheduled to</p>

Page 90		Page 92	
1	Aylmer	1	Aylmer
2	complaint or some loud things you heard and you	2	Q. In 2014 would you say that exposure of
3	would encounter a crime in progress.	3	3 a person was a common occurrence at The Port
4	Q. In 2014 was there a time when any	4	4 Authority Bus Terminal?
5	patrol of plainclothes officers included going	5	5 MS. MILLER: Objection.
6	inside of a restroom?	6	6 You may answer.
7	A. I couldn't tell you exactly.	7	7 A. I don't believe so.
8	Q. During any of the shifts that you	8	8 Q. In 2014 would you say that public
9	worked as a lieutenant, do you recall if there	9	9 lewdness was a common occurrence at The Port
10	were plainclothes officers who were patrolling	10	10 Authority Bus Terminal?
11	inside of restrooms?	11	11 MS. MILLER: Objection.
12	MS. MILLER: Objection.	12	12 You may answer.
13	You may answer.	13	13 A. I don't believe so.
14	A. I couldn't tell you exactly.	14	14 Q. Have you ever discussed public lewdness
15	Q. You mentioned just a few minutes ago	15	15 in the men's restrooms of The Port Authority Bus
16	sometimes someone from the general public would	16	16 Terminal with any other officers of The Port
17	report an incident. Does The Port Authority	17	17 Authority Police Department?
18	Police Department receive civilian complaints for	18	18 MS. MILLER: Objection.
19	incidents of public lewdness?	19	19 You may answer.
20	A. Occasionally.	20	20 A. Not to my recollection.
21	Q. Have you ever personally received	21	21 Q. Have you ever discussed the condition
22	complaints for public lewdness in The Port	22	22 of exposure -- sorry, let me withdraw that.
23	Authority Bus Terminal restrooms?	23	23 Have you ever discussed exposure of a
24	A. Not off the top of my head.	24	24 person in The Port Authority Bus Terminal men's
25	Q. Who would typically receive civilian	25	25 restrooms with any other officer of The Port
Page 91		Page 93	
1	Aylmer	1	Aylmer
2	complaints for The Port Authority Bus Terminal?	2	2 Authority Police Department?
3	A. Desk sergeant.	3	3 MS. MILLER: Objection.
4	Q. Do you recall any specific civilian	4	4 You may answer.
5	complaints for public lewdness in The Port	5	5 A. Not that I could say.
6	Authority Bus Terminal restrooms?	6	6 Q. Has anyone ever told you about public
7	A. No.	7	7 lewdness occurring -- let me withdraw that.
8	Q. Is public lewdness in the men's	8	8 Has any officer of The Port Authority
9	restrooms of The Port Authority Bus Terminal a	9	9 Police Department ever told you about public
10	usual occurrence in the bus terminal generally?	10	10 lewdness occurring in the men's restrooms of The
11	MS. MILLER: Objection.	11	11 Port Authority Bus Terminal?
12	You may answer.	12	12 MS. MILLER: Objection.
13	A. I really couldn't say.	13	13 You may answer.
14	Q. Would you say that public lewdness is a	14	14 A. Officers have reported it as a cause
15	condition at The Port Authority Bus Terminal?	15	15 for arrest.
16	MS. MILLER: Objection.	16	16 Q. How many officers have reported it as a
17	You may answer.	17	17 cause for arrest to you specifically?
18	A. What do you mean by "condition"?	18	18 A. I couldn't tell you.
19	Q. Let me rephrase.	19	19 Q. How many approximately?
20	Would you say public lewdness is a	20	20 A. I really couldn't even give you the
21	common occurrence at The Port Authority Bus	21	21 approximate number.
22	Terminal?	22	22 Q. Do you recall which officers reported
23	MS. MILLER: Objection.	23	23 to you that public lewdness was a cause for
24	You may answer.	24	24 arrest?
25	A. I really couldn't say.	25	25 A. Not specifically.

<p style="text-align: right;">Page 94</p> <p>1 Aylmer</p> <p>2 Q. Have you ever heard anyone mention</p> <p>3 public lewdness in the men's restrooms of The Port</p> <p>4 Authority Bus Terminal at a roll call?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Have you personally ever mentioned</p> <p>7 public lewdness in the men's restrooms of The Port</p> <p>8 Authority Bus Terminal at a roll call?</p> <p>9 A. No.</p> <p>10 Q. Going back to civilian complaints, have</p> <p>11 you ever received civilian complaints for the way</p> <p>12 officers have policed public lewdness in the</p> <p>13 restrooms at The Port Authority Bus Terminal?</p> <p>14 A. No.</p> <p>15 Q. Is public lewdness considered a</p> <p>16 quality-of-life offense?</p> <p>17 A. No.</p> <p>18 Q. What is a quality-of-life offense?</p> <p>19 A. Most -- usually low -- you know,</p> <p>20 low-level crimes, violations like disorderly</p> <p>21 conduct, loitering, soliciting, offenses like</p> <p>22 that.</p> <p>23 Q. Have you ever heard the term</p> <p>24 "quality-of-life sweep"?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 96</p> <p>1 Aylmer</p> <p>2 Q. To your knowledge in 2014 did any</p> <p>3 higher ranking officers order a police officer to</p> <p>4 conduct a plainclothes patrol of the men's</p> <p>5 bathrooms in The Port Authority Bus Terminal?</p> <p>6 MS. MILLER: Objection.</p> <p>7 You may answer.</p> <p>8 A. No.</p> <p>9 Q. To your knowledge in 2014 did any</p> <p>10 higher-ranking officer order plainclothes patrols</p> <p>11 to police for public lewdness in the men's</p> <p>12 restrooms at The Port Authority Bus Terminal?</p> <p>13 MS. MILLER: Objection.</p> <p>14 You may answer.</p> <p>15 A. No.</p> <p>16 Q. To your knowledge in 2014 did any</p> <p>17 higher-ranking officers order a police officer,</p> <p>18 plainclothes patrol, to make arrests for exposure</p> <p>19 of a person in bathrooms at The Port Authority Bus</p> <p>20 Terminal?</p> <p>21 MS. MILLER: Objection.</p> <p>22 You may answer.</p> <p>23 A. Say that again.</p> <p>24 Q. Sure. To your knowledge in 2014 did</p> <p>25 any higher-ranking officers order a police</p>
<p style="text-align: right;">Page 95</p> <p>1 Aylmer</p> <p>2 Q. Do you have any understanding of what</p> <p>3 the term "sweep" is in the context of The Port</p> <p>4 Authority Police Department?</p> <p>5 A. Never really heard it used with The</p> <p>6 Port Authority Police.</p> <p>7 Q. While you worked at The Port Authority</p> <p>8 Police Department, did the department have any</p> <p>9 policies regarding how police should interact with</p> <p>10 LGBTQ individuals during arrest?</p> <p>11 A. Could you be a little more specific?</p> <p>12 Q. Sure. Is there any -- withdrawn.</p> <p>13 While you worked at The Port Authority</p> <p>14 Police Department, did you ever receive any</p> <p>15 guidance with how -- let me rephrase that.</p> <p>16 While you worked at The Port Authority</p> <p>17 Police Department, did you ever receive any</p> <p>18 guidance on how to interact with LGBTQ+</p> <p>19 individuals in the bus terminal generally?</p> <p>20 A. Not really, no.</p> <p>21 Q. Did the department ever provide any</p> <p>22 trainings on how to interact with LGBTQ</p> <p>23 individuals when you were stopping them for</p> <p>24 arrests?</p> <p>25 A. No, I don't believe so.</p>	<p style="text-align: right;">Page 97</p> <p>1 Aylmer</p> <p>2 officer, plainclothes patrol, to make arrests for</p> <p>3 exposure of a person in bathrooms at The Port</p> <p>4 Authority Bus Terminal?</p> <p>5 MS. MILLER: Objection.</p> <p>6 You may answer.</p> <p>7 A. No.</p> <p>8 Q. Do you have any understanding of what</p> <p>9 the tactical plainclothes unit is?</p> <p>10 A. Very little.</p> <p>11 Q. What is your understanding of the</p> <p>12 tactical plainclothes unit?</p> <p>13 A. Years ago when I first started, they</p> <p>14 used to have a unit of police officers who worked</p> <p>15 steady detail as plainclothes. It was done away</p> <p>16 with. That was a tactical plainclothes unit.</p> <p>17 Q. When was that unit done away with?</p> <p>18 A. Probably in the nineties sometime.</p> <p>19 Q. And you said a "steady detail." Does</p> <p>20 that mean that they patrolled in plainclothes</p> <p>21 full-time?</p> <p>22 A. Yes.</p> <p>23 Q. Where was the tactical plainclothes</p> <p>24 unit stationed, if you recall?</p> <p>25 MS. MILLER: Objection.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Aylmer  2 You may answer.  3 A. I don't know the specific area. I was  4 pretty new. They worked like near the detectives  5 office, and they didn't work, you know, by our  6 office. So I'm not sure exactly if they worked  7 out of the detectives office or they had their own  8 office. It was kind of before my time.  9 Q. As a police officer of The Port  10 Authority Police Department, did you ever receive  11 any training about how to conduct patrols in  12 plainclothes?  13 A. No, not really.  14 Q. In your experience as a Port Authority  15 police officer, is patrolling in plainclothes  16 different from patrolling in your uniform?  17 A. Yes.  18 Q. How so?  19 A. You are able to mix in with the public  20 easier, you have more ability to observe crimes  21 being committed because people don't know you're a  22 police officer, make different arrests sometimes  23 because it's more crime as opposed to quality of  24 life.  25 Q. Are there types of arrests that</p>	<p style="text-align: right;">Page 100</p> <p>1 Aylmer  2 A. Like the long-haul bus levels where  3 people are -- people come from out of state and  4 traveling back to out of state, they're very  5 easily conned by these people, you know, by some  6 element of the bus terminal.  7 And, you know, if there's uniformed  8 officers around, the uniformed officer is in one  9 area, they go through another area. But with  10 plainclothes the officers blended in. So these  11 individuals will take action, and then the police  12 are able to move in on them.  13 Q. You said earlier, I believe, that  14 plainclothes units are used more with crimes and  15 less with quality-of-life offenses; correct?  16 MS. MILLER: Objection.  17 A. Right.  18 Q. Can you explain what you mean by that?  19 A. Well, like I just said, they might --  20 in an area like the long-haul levels, they would  21 be more apt to be able to get arrests, good  22 arrests, such as thefts of cell phones that being  23 charged, thefts of luggage from people who are  24 sitting there and nod off, people who are swindled  25 out of tickets; whereas a uniformed officer, as</p>
<p style="text-align: right;">Page 99</p> <p>1 Aylmer  2 plainclothes policing is utilized to police?  3 MS. MILLER: Objection.  4 You may answer.  5 A. Not really, not in these days, no.  6 Q. What do you understand the purpose of  7 plainclothes policing to be?  8 A. Just to put out officers that are able  9 to blend in more readily and have the ability to  10 make arrests.  11 Q. Are there patrols within The Port  12 Authority Bus Terminal for which it would be  13 better to have plainclothes officers than  14 uniformed officers?  15 MS. MILLER: Objection.  16 You may answer.  17 A. What do you mean by "patrols"?</p> <p>Q. Excuse me. I think I used the wrong  term.</p> <p>Are there posts within The Port  Authority Bus Terminal for which it would be  better to have plainclothes officers rather than  uniformed officers?</p> <p>A. Yes.</p> <p>Q. What are those posts?</p>	<p style="text-align: right;">Page 101</p> <p>1 Aylmer  2 soon as the guy sees the uniform, he's gone.  3 Q. Why are plainclothes units not as  4 effective at policing quality-of-life crimes?  5 A. I don't know if I'd say they were not  6 effective. It's just -- how would -- how would I  7 say it? It's kind of like an overkill, like, you  8 know, don't need a uniformed officer -- you don't  9 need a plainclothes guy to see somebody asking for  10 a quarter by the ticket windows. That's -- a  11 uniformed officer can do that.  12 Q. I believe you said earlier that as a  13 lieutenant you sometimes had officers report to  14 you conduct in the men's bathrooms at The Port  15 Authority Bus Terminal that gave rise to an  16 arrest; is that correct?  17 MS. MILLER: Objection.  18 You may answer.  19 A. Just state that one more time.  20 MS. MILLER: Would you read that back,  21 please.  22 (Record read.)  23 A. Yeah.  24 Q. Do you recall any of those incidents  25 specifically?</p>

<p>1 Aylmer</p> <p>2 A. No, not specific ones.</p> <p>3 MS. ELLIS: I'm going to ask you to</p> <p>4 mark this as Exhibit 1.</p> <p>5 (Aylmer Exhibit 1, arrest envelope,</p> <p>6 Bates-stamped PA 001750 through 1777, marked</p> <p>7 for identification.)</p> <p>8 MS. MILLER: Let the record reflect</p> <p>9 that I've been handed --</p> <p>10 MS. ELLIS: It's Bates numbers</p> <p>11 PA 001750. I believe actually all the pages</p> <p>12 in this copy are stamped the same way. I'm</p> <p>13 not sure if this is --</p> <p>14 MS. MILLER: I have through PA 1777,</p> <p>15 and then there's an extra page, which is</p> <p>16 PA 1750, which is blank.</p> <p>17 MS. ELLIS: Yes, that's correct.</p> <p>18 Sorry, I was looking at the wrong place.</p> <p>19 MS. MILLER: What is this, Aylmer 1?</p> <p>20 MS. ELLIS: That's correct.</p> <p>21 Q. Do you recognize the document that's</p> <p>22 been placed in front of you as Aylmer 1?</p> <p>23 MS. MILLER: Can I just have a second</p> <p>24 because mine is upside-down.</p> <p>25 MS. ELLIS: Why don't we go off the</p>	<p>Page 102</p> <p>1 Aylmer</p> <p>2 yours, I think.</p> <p>3 A. 1750. Okay. 1751 is the back side of</p> <p>4 a CCR.</p> <p>5 Q. And 1752 --</p> <p>6 A. Is the front side. And 1753 is a</p> <p>7 follow-up CCR. 1754 I believe is the back of the</p> <p>8 follow-up CCR. 1755 looks like a photostat of the</p> <p>9 arrest envelope again. 1756, this is a desk</p> <p>10 appearance ticket investigation sheet, and 1757 is</p> <p>11 the back side of the DAT investigation sheet.</p> <p>12 And 1758 is a copy of The Port</p> <p>13 Authority booking sheet. 1759 is an affidavit</p> <p>14 from the district attorney. 1760 is some pedigree</p> <p>15 information in the DL on an individual. 1761 is a</p> <p>16 cover sheet for the fax machine when we fax</p> <p>17 something.</p> <p>18 1762 is a picture of an individual,</p> <p>19 male black. 1763 is a request to CPD for an NCIC</p> <p>20 check. 1764 is a response from CPD on that check.</p> <p>21 1755 is again part of the response from CPD on</p> <p>22 that check. 1766 is part of a response from CPD</p> <p>23 on that check.</p> <p>24 1767 is a fax cover sheet used when we</p> <p>25 fax things. 1768 is an online booking arrest</p>
<p>1 Aylmer</p> <p>2 record.</p> <p>3 THE VIDEOGRAPHER: The time on the</p> <p>4 video monitor is 2:35 p.m. We're off the</p> <p>5 record.</p> <p>6 (Pause.)</p> <p>7 THE VIDEOGRAPHER: We are back on the</p> <p>8 record. The time on the video monitor is</p> <p>9 p.m.</p> <p>10 Q. So have you had a chance to review this</p> <p>11 document?</p> <p>12 A. I looked at all of them.</p> <p>13 Q. Do you recognize this document?</p> <p>14 A. This particular one?</p> <p>15 Q. Yes, Exhibit 1 in front of you.</p> <p>16 A. I'm pretty sure it's a photostat of the</p> <p>17 arrest envelope, if I'm not mistaken.</p> <p>18 Q. And can you describe the pages that</p> <p>19 follow?</p> <p>20 A. Let's see. This page here --</p> <p>21 MS. MILLER: You have to go by Bates</p> <p>22 number. Beginning with I guess page 1751, is</p> <p>23 that the one you want to begin with.</p> <p>24 A. They're all 1751, aren't they?</p> <p>25 MS. MILLER: It's upsides down in</p>	<p>Page 103</p> <p>1 Aylmer</p> <p>2 worksheet. 1769 is the back side of the arrest</p> <p>3 booking worksheet. 1770 is a CCR. 1771 appears</p> <p>4 to be the back side of the CCR.</p> <p>5 1772 appears to be an online booking</p> <p>6 sheet. 1773 appears to be the back side of an</p> <p>7 online booking sheet. 1774 is again an online</p> <p>8 booking sheet. 1750 is the back side of an online</p> <p>9 booking sheet. 1777 --</p> <p>10 MS. MILLER: 9771 was next.</p> <p>11 A. 1776 was blank, wasn't it?</p> <p>12 MS. MILLER: No.</p> <p>13 A. My mistake. I'm sorry. 1776 is again</p> <p>14 a request for an NCIC check, a request for an NCIC</p> <p>15 check. 1777 is a desk appearance ticket.</p> <p>16 And that's all I have.</p> <p>17 Q. Thank you.</p> <p>18 If you could turn your attention to</p> <p>19 page PA 1776.</p> <p>20 A. 1776. Correct.</p> <p>21 Q. If you could look at the top of the</p> <p>22 sheet when the box starts that says tour</p> <p>23 commander -- and I think it's a misspelling -- but</p> <p>24 lieutenant it looks like it says Aylmer.</p> <p>25 A. Yes.</p>

27 (Pages 102 - 105)

1 Aylmer 2 A. It could have been anybody who was 3 working that day that was higher than him. 4 MS. ELLIS: I'm going to ask you to 5 mark this as Exhibit 2. Before we do that, I 6 need to designate this portion of the 7 transcript as confidential. This exhibit is 8 also confidential. 9 (The following portion has been 10 designated confidential.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 126 1 Aylmer - Confidential 2 MS. MILLER: I'm sorry, would you read 3 that page again, please? 4 MS. ELLIS: I will, yes. Just to 5 clarify, I'm talking about the small number -- 6 there's a second page number on this as well. 7 It's PA 1820, 1820. 8 Q. Do you see under "tour commander" where 9 it says Lieutenant Aylmer? 10 A. Yes. 11 Q. Is that you? 12 A. That's my name, yeah. 13 Q. Does that mean that you were the tour 14 commander at the time of this arrest? 15 A. Probably, unless he put it down at the 16 time he sent the paperwork in. Okay, yes, I was 17 the tour commander. 18 Q. Okay. Let's turn back to page 1811. 19 What do you recognize this form to be? 20 A. This is a criminal complaint report. 21 Q. And as the tour commander, would you 22 have reviewed the criminal complaint report for 23 this arrest? 24 A. Not -- well, not necessarily, no. 25 Q. Under what circumstances would you have
1 Aylmer - Confidential 2 (Aylmer Exhibit 2, arrest paperwork, 3 Bates-stamped PA 1810 through PA 1832, marked 4 for identification.) 5 MS. ELLIS: The Bates stamps for this 6 document are PA 1810 through PA 1832. 7 And let's go off the record while the 8 witness reviews. 9 THE VIDEOGRAPHER: The time on the 10 video monitor is 3:34 p.m. We're off the 11 record. 12 (Pause.) 13 THE VIDEOGRAPHER: We're back on the 14 record. The time on the video monitor is 15 p.m. 16 Q. Have you had an opportunity to review 17 the document marked as Exhibit 2? 18 A. Yes. 19 Q. And what do you understand this 20 document to be? 21 A. It looks like copies of some arrest 22 paperwork from the bus terminal. 23 Q. And if you could turn to page 24 PA 001820. I recognize that this one is also 25 stamped --	Page 127 1 Aylmer - Confidential 2 reviewed this complaint report as the tour 3 commander? 4 A. If it was turned in while I was 5 working. 6 Q. If it was turned in -- withdrawn. 7 Does the tour commander review every 8 CCR submitted to him -- let me withdraw that. 9 Are tour commanders responsible for 10 reviewing every CCR submitted to them while 11 they're on duty for a specific shift? 12 MS. MILLER: Objection. 13 You may answer. 14 A. No. 15 Q. Do officers submit CCRs to other 16 sergeants or lieutenants who are on duty at the 17 same time as the tour commander? 18 MS. MILLER: Objection. 19 You may answer. 20 A. Most paperwork, including CCRs, are 21 first submitted to the sergeant, and he reviews it 22 and then puts it in a box for a lieutenant. 23 Q. Are all CCRs reviewed by the sergeant 24 also reviewed by the lieutenant or does the 25 sergeant distinguish between which CCRs need to be

33 (Pages 126 - 129)

<p style="text-align: right;">Page 130</p> <p>1 Aylmer - Confidential 2 reviewed by a lieutenant? 3 A. No, all get reviewed by a lieutenant 4 eventually. 5 Q. Turning to page 1813, if you would 6 review number 83, the additional details of 7 complaint. Let me know when you're finished. 8 (Pause.) 9 Q. Ready? 10 A. Yep. 11 Q. Having reviewed this narrative, do you 12 believe that the narrative supports a charge of 13 public lewdness? 14 A. Yes. 15 Q. Do you believe that all of the elements 16 of public lewdness are included in this narrative? 17 A. Yes. 18 Q. Having read this narrative, do you 19 believe that all of the elements of exposure of a 20 person are included in this narrative? 21 A. Yeah. 22 Q. And having read this narrative, do you 23 believe that the narrative supports a charge of 24 exposure of a person? 25 MS. MILLER: Would you read that back?</p>	<p style="text-align: right;">Page 132</p> <p>1 Aylmer - Confidential 2 likely. 3 Q. Do you know how many arrests for public 4 lewdness occurred in 2014 at The Port Authority 5 Bus Terminal? 6 A. No. 7 Q. Do you know how many arrests occurred 8 for public lewdness in the men's restrooms of The 9 Port Authority Bus Terminal in 2014? 10 A. No. 11 Q. In 2014 there were approximately 60 12 arrests for public lewdness in the men's 13 bathrooms. Does that seem unusual to you in all 14 of your experience as a Port Authority police 15 officer? 16 MS. MILLER: Objection. 17 You may answer. 18 A. 60 arrests for the entire year? 19 Q. Correct, in 2014 there were 20 approximately 60 arrests for public lewdness in 21 the men's bathrooms at The Port Authority Bus 22 Terminal. Does that seem unusual to you in all of 23 your experience as a Port Authority police officer 24 at The PABT, Port Authority Bus Terminal? 25 MS. MILLER: Objection.</p>
<p style="text-align: right;">Page 131</p> <p>1 Aylmer - Confidential 2 What was the last part? 3 (Record read.) 4 A. Yes, I would think so. 5 Q. So do you see where it says, standing 6 approximately 1 foot from urinal? 7 A. Yeah. 8 Q. How far away typically does a man need 9 to stand from a urinal in order to urinate? 10 MS. MILLER: Objection. 11 You may answer. 12 A. I think it kind of depends. Some 13 closer than others, you know. You know, two, a 14 couple inches. Most people are very close, not, a 15 foot is kind of impressed with yourself, I guess. 16 Q. In 2014 were there any reports of 17 sexual behavior happening in the men's bathrooms 18 at The Port Authority Bus Terminal? 19 A. Can you be more specific? 20 Q. Sure. In 2014 were there any civilian 21 complaints of sexual behavior occurring in the 22 men's bathrooms at The Port Authority Bus 23 Terminal? 24 A. I can't tell you of specific 25 complaints, but in general I would say most</p>	<p style="text-align: right;">Page 133</p> <p>1 Aylmer - Confidential 2 You may answer. 3 A. I really couldn't say based on the 4 ratios. I have no knowledge of ratios of what -- 5 how many -- how many arrests for what took place 6 each year. 7 Q. When I asked you if there were any 8 civilian complaints in 2014 for sexual behavior 9 occurring in the men's bathrooms at The Port 10 Authority Bus Terminal, I believe you testified 11 that you would say it was most likely; is that 12 correct? 13 MS. MILLER: Objection. 14 You may answer. 15 A. I think so. 16 Q. Why do you believe it is likely that 17 there were complaints of sexual behavior in the 18 men's bathrooms in The Port Authority Bus Terminal 19 in 2014? 20 A. Because the bus terminal and the 21 surrounding area has always had a history, long 22 before I got there, of, you know, sexual activity 23 in the building. 24 Q. Can you describe that history? Excuse 25 me. Can you describe your understanding of the</p>